IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 3445 OF 1994.

ALLAHABAD BANK ... PLAINTIFFS.

VS.

R.A.AGARWAL PROP. OF SHREE
BAJRANG TEXTILE CORPN. ... DEFENDANTS.

MEERA PARAB I/B. J.B.PARAB FOR THE PLAINTIFFS.

Coram : S.K.Shah, J.

Date : September 1, 2005.

P.C.:-

1. This suit is filed by the Plaintiff-Bank against the Defendant for recovery of Rs. 54, 783. 42 Ps.

2. The Plaintiff alleges that the defendant is carrying on business in the name and style as "M/s. Shree Bajarang Textiles Corporation" having its registered office at 7th Cavel Cross Lane, 1st floor, R.No.7, Kalbadevi Road, Bombay. The defendant was account holder in the Plaintiffs Bank at Kalbadevi Branch.

3. The defendant was granted overdraft facility on 10.3.1989 and the defendant had utilised that facility against the Fixed Deposit Receipts. Finally there was

over draft of Rs. 37,500/- due from the defendant as on 3.5.1991 and towards the security for the said amount, he executed the promissory note and deposited the Fixed Deposit Receipts with the Plaintiff Bank.

4. The defendant also executed Hundi dated 30.4.91 and utilised bill discount facility against which Rs. 26,737/- was finally outstanding against the defendants account.

5. Thus, total amount of Rs. 54,783.42k Ps. remained outstanding due from the defendant on his current account and, therefore, the Plaintiff has filed this Suit for the recovery of the said amount.

5. In support of the claim, the Plaintiff- Bank the promissory note, dated 3.5.1991 for Rs. 37,500/-, a letter dated 3.5.1991 for depositing the FDR, Invoice, dated 22.4.1991 from the defendant to Agarwal Enterprises for Rs. 25,476/- and Hundi, dated 13.4.1991 from the Plaintiff to Agarwal Enterprises and a letter dated 24.1.1992 by which the Plaintiff had made a demand of the outstanding dues from the defendant. However, the defendant failed to pay the same.

6. The Plaintiff- Bank has produced on record duly certified extract of the account of the defendant, which shows the outstanding balance of Rs. 54,783.42 ps. due from the defendant to the Plaintiff. Thus,

the Plaintiff-bank has established its claim against the defendant. Hence, the Order :-

ORDER

1) The defendant shall pay to the Plaintiff Rs. 54,783.42 ps. with interest thereon @ 14 % per annum, from the date of the Suit till the realisation of the full amount.

2) The defendant shall also pay to the Plaintif-Bank the costs of this Suit shall bear his own.

3) Decree be drawn up accordingly.

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[S.K.Shah , J.]